KENTUCKY BOARD OF EDUCATION REGULAR MEETING FEBRUARY 6-7, 2008

STATE BOARD ROOM 1ST FLOOR, CAPITAL PLAZA TOWER FRANKFORT, KENTUCKY

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on February 6-7, 2008, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, February 6, 2008:

CALL TO ORDER

Vice Chair Bonnie Lash Freeman called the meeting to order at 9:04 a.m. local time and indicated that Chair Joe Brothers would be delayed in attending the meeting due to tornado damage at his factory in Elizabethtown. She then asked for the roll to be called.

ROLL CALL

Present for the meeting were C.B. Akins, Kaye Baird, Jeanne Ferguson, Bonnie Lash Freeman, Judy Gibbons, Doug Hubbard, David Rhodes, Janna Vice and David Webb. Absent were Brad Cowgill and Keith Travis. Joe Brothers joined the meeting later in the day on February 6.

APPROVAL OF MINUTES

Janna Vice moved approval of the December 6-7, 2007, regular meeting minutes and David Webb seconded the motion. The motion carried.

REPORT OF THE EXECUTIVE DIRECTOR OF THE EDUCATION PROFESSIONAL STANDARDS BOARD

Dr. Phil Rogers indicated that the regulation implementing the redesign of the masters program would be effective February 1. He went on to report that the regulations affecting the principal program redesign are in draft form and hopefully these would be finalized in late spring or early summer.

REPORT FROM THE PRE-K TO 16 COUNCIL

Jeanne Ferguson reported that the Pre-K to 16 Council met on December 12 and heard reports on the following:

- Summary of the Ohio State Higher Education Executive Officers Workshop held in Louisville where Elaine Farris was a speaker
- The success of the International Baccalaureate program at Tates Creek and Atherton High Schools
- A summary of the math assessments for pre-algebra, algebra and calculus courses offered to college students from the math faculty of Northern Kentucky University, University of Kentucky and Eastern Kentucky University
- A discussion on the desired longitudinal data system so that all levels of education can have access to continuous data on students
- Summary of the efforts from the Northern Kentucky partners and P-16 councils on the recent forum that was held in that area

Ms. Ferguson indicated that the next meeting of the Pre-K to 16 Council will occur on March 12.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Jon Draud reported the following:

- Everyone needs to understand the impact of the budget reductions. There seems to be a misunderstanding with some people thinking that P-12 education did not take significant cuts. However, a \$57 million reduction occurred this year, along with the lapsed SEEK funds being taken, and \$46 million is being reduced next year. The governor did not cut SEEK; however, when the SEEK base stays the same districts are still impacted due to giving step and rank increases. Superintendents have been asked to provide data on how this impacts them specifically by Friday.
- The Kentucky Department of Education will be making tough decisions on how to balance its budget this year. Decisions are being made on the basis of trying not to negatively impact school districts.
- Ken Draut and I worked on the issue of moving the testing window back to make two or three more weeks of instructional time possible prior to testing. This has been a well-received decision.
- I have met with every member of the Department leadership team and asked for ways to improve efficiency and save dollars within a bureaucracy. I will be making recommendations in these areas and bring those to you soon.

- David Couch arranged for webcasting a meeting between superintendents and me on the budget and we found this to be very successful. The Department will try to do more meetings in this type of format instead of having superintendents come to Frankfort so often.
- I am also starting a television program on education issues. Insight, KET and webcasting will be used to broadcast one that was done yesterday on the budget and one that was done today with Bonnie Freeman and Joe Brothers. Next week, one will be taped with Frank Rasche and Ken Winters as the guests.
- At the Council on Postsecondary Education meeting, it came to light that there is no way to track a student from high school to the university and a decision was made to put the student identifier number on the transcript. High schools have been asked to cooperate with this decision.
- At the last meeting I was asked to recommend how often to study the operational efficiency of KHSAA and I am recommending every five years.
- The KDE YES! Team Members of the Month should be introduced. Jody Smith, Executive Secretary III in the Office of the Commissioner is here today and Jody was the January Team Member of the Month. Susan Beasley, Administrative Specialist III in the Office of Internal Administration and Support is the February Team Member of the Month and, due to illness, is not able to join us today.
- New Kentucky Department of Education employees who are present to be introduced are as follows:
 - o Patricia Seay, Office of Education Technology, System Consultant IT;
 - Laura Negron, Office of Internal Administration and Support, Internal Policy Analyst II;
 - Soumya Sharath, Office of Leadership and School Improvement, Administrative Specialist III;
 - James Keene, Office of Teaching and Learning, Education Administration Program Consultant;
 - Carla Dobson, Office of Teaching and Learning, Administrative Specialist III:
 - Amy Williams, Office of Teaching and Learning, Administrative Specialist III;
 - Ken Smith, Office of District Support Services, Educational Financial Analyst;
 - Carol Buell, Office of District Support Services, Educational Financial Analyst
 - o Tracey Carey, Office of Teaching and Learning, Math and Science Consultant; and,
 - o Brent VanMeter, Office of Teaching and Learning, Education Administration Program Consultant

SPECIAL PRESENTATION

Vice Chair Bonnie Lash Freeman indicated that the members could locate in their meeting folders a resolution designed to honor Jill Hunter and Robin Kinney for their work during the commissioner's search. Freeman proceeded to read the resolution as follows:

Resolution

Bv

The Kentucky Board of Education Commonwealth of Kentucky

Whereas, The Kentucky Board of Education's vision is "Every Child--

Proficient and Prepared for Success";

Whereas, Jill Hunter and Robin Kinney have been instrumental in

the realization of the Board's vision through the search process

for Kentucky's next commissioner;

Whereas, Jill Hunter and Robin Kinney have dedicated many

hours, at great personal sacrifice, in carrying out the work required to bring forward quality candidates for the Board's

consideration;

Whereas, Jill Hunter and Robin Kinney have performed at the

distinguished level and exhibited solid leadership during the

search process for the next commissioner; and,

Whereas, Jill Hunter and Robin Kinney are held in high regard by the

members of the Board;

NOW, THEREFORE, be it resolved by the Kentucky Board of Education to declare its gratitude to Jill Hunter and Robin Kinney and commend them for their outstanding service to the students of this Commonwealth.

She then called Ms. Hunter and Ms. Kinney forward to receive framed copies of the resolution. Robin Kinney indicated that Jill Hunter and she were very grateful for this honor but emphasized that it took a team to accomplish the work during the commissioner's search. She thanked all of those who were involved.

REPORT FROM THE COVINGTON INDEPENDENT SCHOOL DISTRICT

Coming forward from the Covington Independent School District for the report were Jack Moreland, Superintendent; Lynda Jackson, Instructional Supervisor; Ray Finke, Principal of Holmes Junior/Senior High School and Bill Grein, the District Assessment Coordinator. Dr. Moreland stated that in addition to the data provided on page 22A of the Agenda Book, his staff had brought some preliminary information on how the school is doing given the interventions that have been set in place. He then asked Lynda Jackson to go over this additional information.

Ms. Jackson proceeded to talk about some value-added assessment information from the ThinkLink results, how district staff is addressing each deficiency, the data from the ondemand writing scores, and behavioral/cultural issues.

Questions from Kentucky Board of Education members focused on motivation of students, discipline issues, negative data on the learning checks, efforts to prepare students for next steps after high school, dropout rate and high school graduation rate, the number of new teachers, how the school is putting faces with the data and building relationships between students and teachers.

Bonnie Lash Freeman emphasized that the district needs to look at what is happening with ninth graders. She also noted that Dr. Moreland would be retiring at the end of this year and offered him the Board's congratulations. However, she expressed concern about his retirement because Dr. Moreland has played an integral part in helping to begin a turnaround to take place. She stated that the Board wants to make sure that the turnaround continues. Freeman said that next time the district appears before the Board to make a report, she would like to hear how the teachers are responding to the data from EXPLORE and PLAN, more about how professional development is being used to build relationships and improve the climate in discipline because the data is problematic in these areas, more about work to improve the dropout rate and specifics about the secondary GED program. Freeman also clarified that the Covington Independent staff would be asked to come back with a formal report at the August meeting and provide regular written status reports on the progress that is being made at Holmes High School between now and August.

HEARING OFFICER'S REPORT

Deputy Commissioner Kevin Noland came forward and indicated that he would need a motion to dismiss the annexation appeal between Elizabethtown Independent and Hardin County because the two districts were able to resolve their differences.

Kaye Baird then moved to dismiss this appeal and C.B. Akins seconded the motion. The motion carried. David Webb added that he commended both local boards of education for working out their differences.

703 KAR 5:060, INTERIM ACCOUNTABILITY MODEL (FINAL); 703 KAR 5:020, THE FORMULA FOR DETERMINING SCHOOL ACCOUNTABILITY (FINAL); AND 703 KAR 5:001, ASSESSMENT AND ACCOUNTABILITY DEFINITIONS (FINAL)

Coming forward for this presentation were Associate Commissioner Ken Draut, Division Director Rhonda Sims and Division Director Kevin Hill. Associate Commissioner Draut began by saying that the Board had its first reading of these three regulations at the December meeting and indicated that they are now being brought back for final approval. Draut went on to say that on page 23 of the Agenda Book, a brief summary of the five major changes that are being accomplished through amendments to these regulations are described. He noted that these have to do with the areas of norm-referenced tests (NRTs) in elementary and middle school accountability, concordance process as an interim accountability model, change to timeline for data collection, relabeling of novice nonperformance and consistent format in updated terms. He then asked Rhonda Sims to go over some additional changes that have been requested from the School Curriculum, Assessment and Accountability Council (SCAAC).

Ms. Sims then summarized the eight changes that were being requested by SCAAC and said they could be found on pages 24 through 26 of the Agenda Book. She then went through each regulation and cited where these changes occurred. Within 703 KAR 5:060, Interim accountability model, Sims pointed out that SCAAC had asked for language to clarify that nonadjusted data from 2006-07 and 2007-08 will be used to generate new baselines. She went on to explain that in 703 KAR 5:020, The formula for determining school accountability, SCAAC had asked for language to clarify that the elementary NRT is a uniform assessment and for language to establish an elementary NRT index calculation that further discriminates student performance and includes more score range divisions and weights. Additionally, she said that SCAAC had asked for language to emphasize that baselines are established at the conclusion of the interim accountability model. Within 703 KAR 5:001, Assessment and accountability definitions, Sims noted language was requested to emphasize that the statistical concordance model is for the 2006-07 and 2007-08 biennium.

As an outgrowth of the discussion on the changes to these three regulations, the Board indicated that it would like to have an update on the RFP process for the NRT and responses to the RFP. Additionally, Board members asked that the explanation on graduation rate that went out to legislators and others be sent to them.

At this point, Janna Vice commented in regard to ACT that a 5% weight was probably appropriate at this time; however, she hoped that over time, ACT would get a larger percentage of the accountability index.

The issue of whether EXPLORE is a secure test that can be counted in accountability was brought up and Ken Draut reported there are still remaining issues to be worked out on this with ACT.

David Webb stated that the Board might consider making ACT a larger weight now.

Ken Draut responded that groups have not had a chance to weigh in on a change in the weight and thought that this would need to be considered in the future.

Elaine Farris added that the ACT piece is challenging for some superintendents and explained that the first administration would give superintendents time to look at the data and respond to it before the weight is increased.

Next, Judy Gibbons moved final approval of 703 KAR 5:060, 703 KAR 5:020, and 703 KAR 5:001. David Rhodes seconded the motion and it carried.

BOARD MEMBER SHARING

The following Board members shared some of their experiences that had occurred since the last meeting:

- C.B. Akins A January 11 Education Summit was held in Christian County designed to raise the level of community support in closing the achievement gap. The president of the community college is driving this effort. Four hundred attended the summit. I met with African-American leaders and encouraged them to be more active. I commend the community for this effort. I have suggested to Commissioner Draud that there are critical points in Kentucky that could do this type of effort through his Chamber of Commerce work. On another topic, I presented the framed resolutions honoring Commission on Interscholastic Athletics members to Zella Wells and Harvey Thompson.
- Kaye Baird I did an extensive visit of the Kentucky School for the Blind. It was amazing to see all of the work that is occurring at the school and the special adaptations that have to be made for blind and visually impaired students. I also made visits to Wolfe, Lee and Owsley County school districts.
- Judy Gibbons The Northern Kentucky Educational Cooperative met to discuss the various interim assessments being used within the Northern Kentucky area. This cooperative is pursuing whether districts can settle on one interim assessment and possibly get a price break.

DISCUSSION OF NEXT STEPS REGARDING THE COMMISSION ON INTERSCHOLASTIC ATHLETICS REPORT

KHSAA Brigid DeVries and Deputy Commissioner Julian Tackett came forward for this item. Commissioner DeVries said she had sent the Board a two-page memo relative to KHSAA's response to the Commission on Interscholastic Athletics Report. She stated that the Board of Control has divided the issues up into various committees for study. DeVries said the committees have met twice since the Commission on Interscholastic

Athletics Report was issued and are scheduled to continue their work at the February 2008 Board of Control meeting. She indicated that final recommendations are likely to come out of the April 2008 Board of Control meeting and could come forward to the state board in June.

Julian Tackett commented that KHSAA staff is also monitoring the legislative activity for possible changes and commented that a bill has been introduced that would grant eligibility to any student on the first day of school wherever that student enrolls.

Doug Hubbard then asked what happened last time to the provision he wanted to add to the bylaws on not penalizing students and schools for following court orders.

Mr. Tackett responded that what the Board passed last time dealt with the membership application.

Chair Brothers then asked what could be expected from KHSAA in regard to a response on the Commission on Interscholastic Athletics report.

Commissioner DeVries replied that the KHSAA Board of Control would most likely approve the response at its April meeting, with the latest date being May 12-13.

A concern was expressed by several Board members that in athletics the children are getting punished instead of the adults. Chair Brothers indicated he hoped that KHSAA would deal with this perception within the recommendations that come back to the Board. He asked the Management Committee to continue to follow this issue and for the recommendations from KHSAA on the Commission on Interscholastic Athletics Report to come back to that committee when they are ready.

At this point Commissioner Draud restated that it is his recommendation that the Board do a study of KHSAA's operations and efficiency every five years.

Julian Tackett responded that KHSAA staff felt the current review was positive and that all benefited from it.

MANAGEMENT COMMITTEE MEETING

Action/Consent Items

1. <u>2007-2008 Local District Tax Rates Levied.</u> Dr. Larry Stinson indicated that a couple of districts had been added to the list of districts requesting approval, including Franklin County because of a needed clerical error correction and Laurel County due to the vote on a nickel not passing and thus requiring a revised amount to be approved.

- 2. <u>2007-2008 Local District Working Budgets.</u> Dr. Stinson indicated that a correction had been made on Lawrence County to show a 2% contingency now exists.
- 3. <u>District Facility Plans: Kenton, LaRue and Pulaski County School</u>

 <u>Districts and Eminence Independent School District.</u> Dr. Stinson indicated that nothing unusual exists relative to these facility plans and that staff had certified they meet all of the requirements.
- 4. <u>District Facility Plan Amendments: Whitley County and East Bernstadt</u> <u>Independent School Districts.</u> Again, Dr. Stinson indicated that the facility plan amendments were not unusual in any way and that they meet all requirements.

At this point, Doug Hubbard moved approval of all four action/consent items and Kaye Baird seconded the motion. The motion carried.

Action/Discussion Items

1. Requested Waiver for school districts from the March 1 deadline in 702 KAR 3:246, Section 2, by which local school boards must provide school councils an allocation for funds for positions for the upcoming school year. Associate Commissioner Larry Stinson indicated that several districts across the state asked that the board consider delaying the implementation of the March 1 deadline by which local school boards must provide school councils an allocation for funds and positions for the upcoming school year due to the unsure financial situation within the state. Stinson explained that typically a district asks for a waiver but said since so many were interested in the same waiver, the Kentucky Department of Education brought it forward on their behalf. He went on to say that the Department recommends the March 1 date be waived for this year only and that a new deadline of May 1 be set. Stinson stated that if the legislature finishes the budget by mid April, then this would give school districts time to make their allocations by May 1 and they will have much better information on which to base the dollar amounts. He noted that Department staff will develop a letter that will go to school districts and will communicate the one-time waiver to the Kentucky Association of School Councils and its members. Dr. Stinson noted that the Local Superintendents Advisory Council agreed with the waiver approach.

Chair David Webb asked if this waiver has any affect on the April 30 deadline that school districts must meet.

Stinson replied that this particular waiver has no effect on the April 30 date because it is in statute and the Board has no authority over that date.

Chair Webb said he was reluctant to give this waiver approval but noted he realizes it is only for one year and is stimulated by the budget situation.

2. <u>702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics (Final).</u> Chair Webb said he would like to include Commissioner Draud's recommendation to review KHSAA's operations every five years within the motion that comes forward on this regulation.

Doug Hubbard said he was opposed to setting a regular review schedule for KHSAA because he thought the board should review their operations whenever it is necessary.

David Rhodes commented that he thought the review should be least every five years but said the Board could do it sooner if a need arises.

Chair Webb moved on to remind KHSAA officials that from the earlier full board discussion, the committee would be expecting recommendations from the KHSAA Board of Control relative to the Commission on Interscholastic Athletics Report in June. At this point, he asked that KHSAA staff summarize the changes to the Bylaws and Constitution that are being proposed within 702 KAR 7:065.

Julian Tackett then started on page 109 of the Agenda Book and continued through page 117.

At the end of the summary of all of the proposals being considered as amendments to 702 KAR 7:065, the committee agreed that Proposal 3 from 2005 should be sent back to the KHSAA Board of Control for additional study.

3. Release of Jackson Independent School District from a Declaration of Emergency. Dr. Larry Stinson indicated that Jackson Independent had made good progress in eliminating its deficit and recommended that the Board remove it from the Declaration of Emergency.

David Webb said that the district should be commended for its hard work.

4. <u>702 KAR 3:270, SEEK Funding Formula (Final).</u> Dr. Larry Stinson reminded the Board that 702 KAR 3:270 was amended to comply with changing demands on the system with the main amendments occurring to incorporate technology advances for the collection of data, incorporate additional calculations to allow for assessment growth greater than 4% and create a provision to allow for additional funding for districts that experience continuing student attendance growth after the second month. He explained that since the December meeting, provisions for property value growth and student enrollment growth have been simplified for more appropriate application and ease of implementation. Stinson commented that a summary of the major changes in the regulation could be found in Attachment A, plus additional modifications made after meeting with the Office

of Education Accountability could be found in each person's meeting folder. He then went over the new changes and answered questions regarding these.

David Webb asked if these changes create winners and losers.

Associate Commissioner Stinson indicated that it reduces the amount of loss that used to occur due to the 4% issue.

Chair Webb went on to ask if the Local Superintendents Advisory Council supported the amendments to the regulation.

Mr. Stinson replied affirmatively and said a letter from this group is contained in each member's meeting folder.

At this point, David Webb said he would summarize the issues on which the committee needed to vote relative to the action/discussion items as follows:

- Approve the March 1 waiver relative to the school council allocation for this year only and change the deadline from March 1 to May 1. This would need to be communicated to the councils.
- Accept and give final approval to all the proposals from the Delegate Assembly and 2006 Proposal 2 relative to 702 KAR 7:065 and reject 2005 Proposal 3, sending it back to the KHSAA Board of Control for study.
- Release Jackson Independent from a Declaration of Emergency and send them a congratulatory letter for this achievement.
- Give final approval to 702 KAR 3:270.
- Establish a five-year cycle for the review of KHSAA operations.

C.B. Akins moved to approve those items summarized above by Chair Webb and Kaye Baird seconded the motion.

Doug Hubbard then moved to amend the motion to change Bylaw 33 to add a provision 11 saying that no school or person can be punished for following a court order.

C.B. Akins said he needed to understand whether this would cause other conflicts within the KHSAA rules.

Julian Tackett replied that it would cause some conflict with other bylaws and said that the Commission on Interscholastic Athletics did not recommend a change as far as court orders go.

The motion then died for lack of a second.

Next, Doug Hubbard moved to amend the motion so that a change would occur to Article 4, Section B4, to state that the Kentucky Board of Education would appoint nine additional at-large members instead of four, making a total of 13 Board appointed atlarge members. This amendment also died for lack of a second.

The question was called on the original motion and it was approved with Doug Hubbard voting no.

Review Items

1. **KHSAA Annual Reporting Requirements.** Julian Tackett reported that at the last Kentucky Board of Education meeting, the audit report was not yet approved and he indicated that KHSAA is now bringing that forward for the Board's review.

Thursday, February 7, 2008

CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE MEETING

Review Items

1. **Draft Adolescent Literacy Plan.** Division Director Michael Miller said that the purpose of this review item is to provide the Kentucky Board of Education with an overview of the Draft Kentucky Adolescent Literacy Plan and to ask for feedback and recommendations, leading to the final version, which will be presented in April for approval. He said that the plan is presented to prepare Board members for decisions as they move forward with implementation and future budget recommendations. Miller reviewed that the National Association of State Boards of Education State Adolescent Literacy Network, funded from the Carnegie Corporation in New York, has provided funding to five states, including Kentucky, to guide state leadership efforts in crafting comprehensive state literacy initiatives that address literacy instruction in core academic subjects as part of the state's overall school improvement initiatives. In developing Kentucky's draft adolescent literacy plan, Miller said that Department staff and partners analyzed national and state data, recommendations from national organizations and lessons learned from existing literacy initiatives. He pointed out that also included in this work are plans to address accelerated learning associated with college readiness standards and educational planning and assessment systems (EPAS). Miller pointed out that the draft plan is organized into five areas as follows: teacher preparation/certification, professional development, instruction, data informed decision making and support structure. He noted that as an insert in the Agenda Book, major findings and recommendations from the Adolescent Literacy Task Force relative to the plan are included along with the draft plan.

Judy Gibbons said she would like to see more people from the business community included in this initiative.

Bonnie Lash Freeman pointed out that under the data informed decision making piece, school councils need to be involved. She went on to say that she received an email from the National Association of State Boards of Education saying that the grant would be extended through December. Freeman thought this would allow one more task force meeting to occur and at this meeting more business/community folks could be included. She suggested that staff look at the Carnegie Foundation for possible funds to implement the plan and thought that Cindy Parker could be in touch with NASBE on this.

Commissioner Draud brought up the certification aspect and the fact that this should be considered relative to what is required to be teachers of reading.

Michael Miller responded that he thought the teaching of reading should be imbedded within courses rather than having a different kind of certification. He commented that there are some that push to have all teachers take a reading course but Miller felt everyone must be responsible for the teaching of reading. Miller stated that perhaps getting the business community to push this concept would help everyone to take responsibility for teaching reading.

Commissioner Draud said that getting all secondary teachers to buy into this concept would be problematic and noted that a heavy public relations effort in the schools may be necessary.

At this point, Board Chair Brothers asked for the outcomes of the plan to be verbalized.

Michael Miller responded that it is not really a true plan yet and said staff will come back in April with the final plan, including outcomes.

Mr. Brothers continued by asking Mr. Miller what he thought the outcomes should be.

Miller replied that the global outcome would be to produce Kentucky citizens who are literate and proficient in all content areas.

Janna Vice then stated she was concerned that when one looks at what is needed, teachers need to look at what is needed each year rather than playing catch-up along the way.

Judy Gibbons noted that the Education Professional Standards Board will need to be involved relative to certification issues.

Michael Miller responded that Marilyn Troupe from the Education Professional Standards Board has attended the task force meetings and assured the Board that staff will be engaging the Education Professional Standards Board more.

Janna Vice added that she really appreciated the three Board members that served on the task force.

2. <u>Action Plan for A5 and A6 Programs.</u> Division Director Linda Pittenger and Branch Manager Nijel Clayton came forward for this item. They emphasized that the Action Plan is the result of cross agency work within the Kentucky Department of Education and the work of the many interested stakeholders.

Chair Janna Vice asked staff to summarize the Action Plan that was numbered 86A and inserted into the Agenda Book.

Nijel Clayton noted that the Action Plan is made up of four major categories as follows: administrative structures, accountability, curriculum, instruction and assessment and school culture. She explained that the Advisory Committee for Alternative Education met and reviewed the plan. She stated that their suggestions have been incorporated and now staff wants the input from the Board.

Chair Janna Vice noted that she had read the report from the Kentucky Youth Advocates organization and she commended the Department for addressing the points from that report and for forming the Advisory Committee for Alternative Education to address the issues.

Judy Gibbons complimented staff on the plan and said she was glad to see objectives, a timeline and people who would be responsible for implementation of the various components.

Bonnie Lash Freeman asked about the kind of certification that should be required for teachers in alternative programs.

Nijel Clayton replied that the current regulation from the Education Professional Standards Board allows any certified teacher to teach in an alternative program. However, she noted that while flexibility is needed so that teachers can be secured for these programs, some districts do not make very good decisions in their teacher selections. Clayton indicated that Department staff has held one meeting with the Education Professional Standards Board to start a dialogue on the certification issue and assured the Board staff will continue to work with them on this issue.

Janna Vice then asked when this plan would get up and running.

Nijel Clayton responded that some of the items can be implemented immediately and others will have to be implemented over time.

Judy Gibbons was concerned that staff may need to look at the facilities where these programs are housed.

Nijel Clayton replied that the facilities are very different for A5 and A6 schools. She said staff is focusing on asking if programs are providing access to the entire curriculum and whether the program provides access to services and resources in an equitable manner.

Janna Vice thought that possibly KECSAC and the Center for School Safety could help identify the most critical situations in which intervention should occur. She also thought there should be some standard procedures for the amount of time spent in the programs and for a transition approach out of the program.

Nijel Clayton said that staff intends to put forth best practices and make these clear at the beginning.

Janna Vice then asked for what the next step would be relative to the plan.

Nijel Clayton responded that staff are going to put into place the items that can be implemented immediately and come back to the committee with updates relative to implementation status.

Bonnie Lash Freeman stated that since state agency children are a priority of the Board's, the committee would need to see how this action plan connects to KECSAC when they come for their report. She then wanted to know if the Board will be hearing about A5 programs.

Nijel Clayton said that KECSAC and A5 could be brought back to the Board at the same time.

Janna Vice emphasized that we must find out where the A5 programs are.

Joe Brothers stated that over 10% of students are in these schools at least 83 days per year and that the challenge must be to improve education for these students so that they can reach proficiency.

Linda Pittenger shared that data shows 65% of those who drop out have indicated they had an alternative school experience. She went on to say that the other part of the work is to find exemplary programs to serve as models across the state.

3. Assistance to schools with high dropout rates. Division Director Linda
Pittenger and Branch Manager Nijel Clayton were present to discuss this item.
Ms. Pittenger indicated that the Board was interested in the study from Johns
Hopkins University known as the Promoting Power Study. She summarized that
the first study was released in 2004 and introduced the concept of "Promoting

Power" as an additional criterion to consider along with indicators like dropout rate and graduation rate when looking at how schools are or are not moving students successfully through the education pipeline to high school graduation. She stated that the 2004 study was updated in 2007 and that the results of the study were covered in both the national and local press. Pittenger pointed out that key findings of the Kentucky data could be found on page 188 of the Agenda Book and that a listing of Kentucky schools with "Promoting Power" of less than 60% could be found on page 190 of the Agenda Book.

Bonnie Lash Freeman asked if staff had reached out to superintendents on this data

Linda Pittenger stated that staff had not reached out to them within the context of this particular study but said that would be the next step after receiving the Board's input. She commented it has caused some districts to come forward and ask for help.

Chair Janna Vice commented that an unintended consequence is that sometimes it is easier for school districts to let students go rather than to work with them.

Linda Pittenger concurred and said that sometimes districts think it's easier to take a dropout rather than a novice on the state test.

Joe Brothers emphasized that somehow people have to understand that these students are not being educated and the cost to these communities when they drop out.

Bonnie Lash Freeman said that in terms of next steps communities will have to be marshaled and motivated to deal with this situation. Other members suggested the involvement of the P-16 Council and the use of Commissioner Draud's TV shows to make people aware of the problem. Rotary clubs were another avenue suggested in order to gain momentum for tackling the problem.

Linda Pittenger added that staff will also be discussing this problem with the superintendents found on the list of districts having weak promoting power and with suggestions on what they can do to tackle the situation.

At this point, Janna Vice recognized Nancy LaCount for her work and career in the Kentucky Department of Education and wished her well upon her soon-to-be retirement.

REPORT OF THE SECRETARY OF THE EDUCATION CABINET

Secretary of Education Helen Mountjoy reported the following:

- The different Secretaries of Education have included Jack Foster, Sherry Jelsma, Roy Peterson, Marlene Helm, Ginni Fox and Laura Owens. The tradition of this position is to tie the various aspects of education together.
- Relative to the budget situation, state government got into trouble because one-time revenue kept being allocated to pay for recurring expenses. Additionally, the debt load kept increasing and there were almost exponential increases in the fixed costs, such as health care. To compound the situation, the economy is going down across the nation. It is almost a perfect storm situation with the Consensus Forecasting Group predicting that for the next fiscal year, there will be \$579 million less coming in than we are spending this year.
- The governor must submit a balanced budget and chose not to submit one based on hypothetical dollars. It is based on the premise of 'x' dollars being available and how to spend those dollars. Some areas needed more dollars with one of these being Medicaid, which is in the red for over \$100 million. Additionally, \$24 million was needed for the increased cost of corrections. The budget does not get rid of using all the one-time dollars but reduces this by 50%.
- It is clear that the governor's first priority is education. SEEK is being held at the same level. He sees the need for increased health care costs for district employees, which will be \$115 million and full funding for Tier I is included, as well as dollars for FSPK. Read to Achieve will continue at the \$4 million level and there will be no cut in the needs-based assistance for students in higher education.
- Other cuts will have to be made at the Department of Education, but the governor took the commissioner's recommendation on using the flexible focus funds, exclusive of preschool. This has occurred before because districts have some discretion/flexibility over these dollars.
- Nobody pretends to be proud of this budget because it does cause real pain. Flat lining some items really means they are actually taking a cut. At the same time, SEEK takes up about 1/3 of budget dollars. Some agencies will have to take a 24-25 percent cut for SEEK to stay the same. However, other Cabinet secretaries agree that if education does not work, nothing else does. This puts the extra burden on us to make sure our dollars are spent wisely. We need to work together through this process because the Governor's budget is only the opening of the discussion.
- In a meeting with the commissioner earlier in his term, we discovered that we share an interest in early childhood and students leaving high school ready to transition successfully. You can be assured that I will stay in close contact with you and I enjoyed being with the Board last night with the fine group of young people from Murray.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

David Webb moved that all the submitted local district tax rates levied, local district working budgets, district facility plans and district facility plan amendments be approved as a block and Doug Hubbard seconded the motion. The motion carried.

REPORT OF THE MANAGEMENT COMMITTEE ON ACTION/DISCUSSION ITEMS

Chair David Webb said that he would go through each of the action/discussion items from his committee and then ask for approval as a block. Webb presented the following:

- Requested waiver for school district from the March 1 deadline in 702 KAR 3:246, Section 2, by which local school boards must provide school councils an allocation for funds and positions for the upcoming school year Staff explained that districts asked the department, on their behalf, to request a one-time waiver of the March 1 date by which local school boards are required to provide school councils their allocations till more is known about the state budget. Staff is recommending a May 1 date for this year only and is willing to work with the Kentucky Association of School Councils to ensure that council members understand this one-time waiver. It was noted that the April 30 date for renewal/nonrenewal notice to certified and classified district staff is a statutory deadline over which the Board and KDE have no authority for change. Approval of this waiver request is recommended by the committee.
- 702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics (Final) The Management Committee considered the second reading of the proposed changes to 702 KAR 7:065, the KHSAA Bylaws and the KHSAA Constitution. After a third discussion, the committee gave final approval to 702 KAR 7:065 and the changes to the bylaws and constitution as submitted with the exception of 2005 Proposal 3, which should be sent back to the KHSAA Board of Control for more study. This recommendation for approval also includes approval of 2006 Referendum 2, as amended by the Board of Control.

There were two amendments offered to the motion for approval on this item in committee. One was to amend Bylaw 33 to add a provision 11 to state that no school or person can be punished for following a court order and the other was to amend Article 4, Section B4, of the KHSAA Constitution to enable the Kentucky Board of Education to appoint nine additional at-large members to the Board of Control to make a total of 13 at-large appointments, including the four that are now appointed. However, these died from a lack of a second.

• Establish a 5-year cycle for study of the KHSAA – Upon the commissioner's recommendation, the committee approved that the Board establish a 5-year cycle for the review of the Kentucky High School Athletic Association.

- Release of Jackson Independent from a Declaration of Emergency Staff reported that Jackson Independent has made good progress in dealing with its financial deficit and thus, the committee approved that Jackson Independent be removed its Declaration of Emergency and a letter go to the district commending them for the work that resulted in the correction of the situation.
- 702 KAR 3:270, SEEK Funding Formula (Final) Staff presented some additional changes since the first review of this regulation in December. They can be found in your meeting folder. We received a letter of support from LSAC on the regulation. The committee gave final approval to 702 KAR 3:270.

On behalf of the committee, Chair Webb then moved approval of the action/discussion items summarized above.

At this point, Doug Hubbard moved to amend the motion to revise Bylaw 33, Section 2 and make it subject to paragraph 11 of that Bylaw adding that no person or school should be punished for following a court order. Judy Gibbons seconded the amendment to the motion

Mr. Hubbard commented that the current bylaws put students and schools in an untenable position.

David Rhodes indicated that he opposed the motion in committee because when a school joins the Association it knows the rules. He commented that the student or school can go to court, knowing that when it goes on through the process the student may be ruled ineligible. He said it was a matter of fairness to other affected students when the student is allowed to play and eventually is ruled ineligible.

David Webb commented that he also opposed this amendment because he could cite examples where local courts take the path of least resistance and the students are ruled eligible when in the end they would be found to be ineligible. He felt that it victimizes other players.

Joe Brothers commented he did not like to hear the Board impugn the court system just like he does not like to hear others impugn the Kentucky Department of Education. He said he was hesitant to support the motion and troubled by the underlying tone.

David Webb noted that a court order does not make the student eligible because in almost all cases, the student has been ruled ineligible in the end.

Deputy Commissioner Kevin Noland pointed out that the Board could allow the rest of the proposals to move forward and delay this one issue until April.

Next, Kaye Baird moved to table the amendment and consider it in April and to approve the other items in the motion. Jeanne Ferguson seconded the motion and it carried.

Joe Brothers then went back to the original motion made by Mr. Webb on the action/discussion items from the Management Committee being approved as a group and the motion carried.

REPORT OF THE CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE

Chair Janna Vice reported that the committee had three review items with nothing coming forward for action. She felt that some of the lively discussion on the KHSAA issue needed to be transferred to the issues on her committee next time.

INTERNAL BOARD BUSINESS

Chair Joe Brothers brought forward the following items under this category:

- A motion is needed to read as follows: The Kentucky Board of Education requested to Jon E. Draud to commence his duties as Commissioner of the Kentucky Department of Education on December 3, 2007. As a condition of the acceptance of this start date, Jon E. Draud agreed to commence duties on that date with the understanding that he would be compensated for January 2, 3 and 4, 2008. Dr. Draud disclosed that he had a pre-existing and prior commitment on those dates out of the state of Kentucky. The Kentucky Board of Education agreed to his provision as a condition of acceptance by Dr. Draud to become Commissioner of the Department of Education commencing December 3, 2007 and Dr. Draud in reliance on this representation, commenced work on December 3, 2007. Thus, the Kentucky Board of Education needs to direct staff to take such necessary steps to compensate Jon E. Draud for the dates of January 2, 3, and 4, 2008. Doug Hubbard moved to approve the wording of the motion suggested by Chair Brothers and Bonnie Lash Freeman seconded the motion. The motion carried.
- The board received a Strategic Plan update and needs to read this prior to the retreat in May. Mary Ann Miller is asked to email the Board any minor changes made to the version it received.
- Staff are requested to let Board members know when the commissioner is going to be in their areas so that they have the option to attend.
- Staff needs to bring the Policy Manual to the May retreat to look at the section on how the chair and vice chair are elected. Consideration should be given to changing this section to match the procedure in Roberts Rules of Order.
- A letter to Michala Riggle from the Board needs to be drafted and sent out congratulating her on her efforts to raise money for the cure of autism. Also, a Commissioner's Citation is to be sent to her.

- Staff is to send to the Board a sample of a Commissioner's Citation.
- Staff is to send a thank you letter to Leadership Murray for including the Board in its dinner with young people last night.
- Board members are to share their activities through email with Mary Ann Miller, who will then distribute them to all Board members.
- Staff needs to provide a written update on the implementation of Infinite Campus to the Board prior to the April meeting.
- Judy Gibbons moved to cancel the March 5 meeting, discuss the fate and use of one day meetings for the rest of the year at the May Retreat and to move the May retreat to Frankfort. Doug Hubbard seconded the motion and it carried.
- Staff was requested to bring forward a discussion on end-of-course assessments and student accountability at the April meeting.
- Staff was requested to do a Commissioner's Citation for the young man at the Kentucky School for the Blind that will be earning his Eagle Scout recognition.

CLOSED SESSION

Per KRS 61.8110 (1)(f), Janna Vice moved to go into closed session to discuss personnel. Doug Hubbard seconded the motion. The motion carried.

At 12:45 p.m., Kaye Baird moved to come out of closed session and Judy Gibbons seconded the motion. The motion carried. No action was taken during the closed session.

Chair Joe Brothers explained that it was the Board's understanding that the commissioner would be able to transfer leave from his prior employment to his current job. However, Brothers said this turned out not to be the case. Thus, the Board needed to address this with a contract amendment and asked for a motion from the board relative to this matter.

Judy Gibbons moved to provide Commissioner Jon E. Draud with 30 days of one-time sick leave and 20 days of vacation per year in lieu of the usual one day per month. Doug Hubbard seconded the motion and the motion carried.

ADJOURNMENT

The Board adjourned at 1:50 p.m.